

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

16 FRONT STREET, LLC, and
C. RICHARD COTTON,

Plaintiffs

v.

GARY C. RIKARD, EXECUTIVE
DIRECTOR, MISSISSIPPI
DEPARTMENT OF ENVIRONMENTAL
QUALITY, IN HIS OFFICIAL
CAPACITY and AS EXECUTIVE
DIRECTOR OF THE MISSISSIPPI
ENVIRONMENTAL QUALITY PERMIT
BOARD,

Defendant

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CIVIL ACTION
No. 1:14-cv-183-DMB-DAS

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**MEMORANDUM IN SUPPORT OF JOINT MOTION TO
EXTEND STAY OF PROCEEDINGS**

16 Front Street LLC and C. Richard Cotton (“Plaintiffs”) and Gary C. Rikard, Executive Director, Mississippi Department of Environmental Quality and Director of the Mississippi Environmental Quality Permit Board (“Defendant”) (collectively, “the Parties”), all by counsel, jointly move to extend this Court’s Order Granting Motion for Stay of Proceedings (Doc. # 148) for an additional thirty (30) days until November 7, 2018, or, if the Parties jointly move for entry of a consent agreement on or before November 7, 2018, until this Court acts on such motion. The Parties also move to extend the time to respond to the motion to intervene filed by Mississippi Silicon LLC (Doc. # 138) by a corresponding interval.

On July 23 and July 26, 2018, counsel for the Parties met to confer regarding the Plaintiffs' claims against the Defendant pursuant to the citizen's suit authority under Section 301(a)(1) of the Clean Air Act. 42 U.S.C. § 7604(a)(1). In those conferences, the Parties agreed to seek to resolve the Plaintiffs' claims against the Defendant through good faith settlement discussions.

On July 24, 2018, in between the two conferences of the Parties, Mississippi Silicon LLC moved to intervene in the litigation (Doc. #138). The Parties agreed that the motion to intervene could be rendered moot by the discussions between the Parties, and even if not mooted, Mississippi Silicon LLC would not be prejudiced by staying response to the motion along with all other proceedings in the case.

On July 31, 2018, the Parties jointly moved to stay all proceedings in this case for sixty (60) days, and to extend the time to respond to Mississippi Silicon, LLC's motion to intervene until seven (7) days after the expiration of the stay. On August 7, 2018, this Court granted the Parties' motion for stay (Doc. # 148).

Since that time, the Parties have continued to engage in settlement discussions and are seeking to negotiate a written consent agreement to settle the pending claims against the Defendant asserted in the Amended Complaint in this case (Doc. # 69). The Parties believe that a thirty (30) day extension of the stay of proceedings until November 7, 2018 will allow for sufficient time for completion of such negotiations, and to file a motion for approval and entry of the consent agreement by this Court.

WHEREFORE, the Parties respectfully request this Court to enter a proposed order submitted by the Parties.

DATED this 4th days of October, 2018.

Respectfully submitted,

s/ Ronnie Musgrove

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Counsel for Defendant

CERTIFICATE OF SERVICE

I, Ronnie Musgrove, hereby certify that I caused the foregoing Memorandum in Support of Joint Motion to Extend Stay of Proceedings to be filed with the Clerk of the Court using the CM/ECF system, which shall send notification of such filing to all parties.

Dated: October 4, 2018

s/ Ronnie Musgrove
Ronnie Musgrove